

physical injury." 28 U.S.C. § 1915. Plaintiff's asserted property claims do not constitute or allege an imminent danger of serious physical injury.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. *Henderson v. Norris*, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

THEREFORE, IT IS ORDERED that the December 6, 2005, report and recommendation is adopted [22]. It is further

ORDERED that plaintiff's claims are dismissed, pursuant to 28 U.S.C. § 1915A, for failure to state a claim on which relief may be granted and/or pursuant to 28 U.S.C. § 1915(g), because plaintiff has had three or more cases or appeals dismissed as frivolous or for failure to state a claim. It is further

ORDERED that plaintiff's motions for injunctive relief for the return of his property are denied [3, 5, 16, 19, 28, 29, 30].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 2-14-06